

BEFORE THE TENNESSEE STATE BOARD OF EQUALIZATION

IN RE: John T. & Sharon L. Long
Dist. 2, Map 77B, Group F, Control Map 77B,
Parcel 1.00C
Residential Property
Tax Year 2007

INITIAL DECISION AND ORDER

Statement of the Case

The subject property is presently valued as follows:

<u>LAND VALUE</u>	<u>IMPROVEMENT VALUE</u>	<u>TOTAL VALUE</u>	<u>ASSESSMENT</u>
\$3,000	\$71,800	\$74,800	\$18,700

An appeal has been filed on behalf of the property owner with the State Board of Equalization. The undersigned administrative judge conducted a hearing in this matter on September 5, 2007 in Crossville, Tennessee. In attendance at the hearing were John Long, the appellant, and Cumberland County Property Assessor's representatives Mary Cox and Fred Wilson.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Subject property consists of a condominium located at 45 Wilshire Heights Drive in Fairfield Glade, Tennessee.

The taxpayer contended that subject property should be valued at \$46,000. In support of this position, the taxpayer testified that he purchased subject property on February 17, 2004 for \$36,400. The taxpayer asserted that subject unit has not appreciated significantly since his purchase and has not been renovated like other units commanding much higher sales prices.

The assessor contended that subject property should be valued at \$74,800. In support of this position, sales of three units ranging from \$81,500 to \$90,000 were introduced into evidence. In addition, Ms. Cox noted that Mr. Long's unit is presently listed for sale with Hughes Realty for \$74,000.

The basis of valuation as stated in Tennessee Code Annotated Section 67-5-601(a) is that "[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values . . ."

After having reviewed all the evidence in the case, the administrative judge finds that the subject property should be valued at \$74,800 as contended by the assessor of property.

Since the taxpayer is appealing from the determination of the Cumberland County Board of Equalization, the burden of proof is on the taxpayer. See State Board of Equalization Rule 0600-1-.11(1) and *Big Fork Mining Company v. Tennessee Water Quality Control Board*, 620 S.W.2d 515 (Tenn. App. 1981).

The administrative judge finds that January 1, 2007 constitutes the relevant assessment date. Respectfully, the administrative judge finds that Mr. Long did not introduce any recent sales to substantiate his opinion of value. The administrative judge finds that the sales introduced by the assessor of property and Mr. Long's listing of subject property support the current appraisal of subject property. Absent additional evidence from the taxpayer, the administrative judge finds that subject property should remain valued at \$74,800.

ORDER

It is therefore ORDERED that the following value and assessment be adopted for tax year 2007:

<u>LAND VALUE</u>	<u>IMPROVEMENT VALUE</u>	<u>TOTAL VALUE</u>	<u>ASSESSMENT</u>
\$3,000	\$71,800	\$74,800	\$18,700

It is FURTHER ORDERED that any applicable hearing costs be assessed pursuant to Tenn. Code Ann. § 67-5-1501(d) and State Board of Equalization Rule 0600-1-.17.

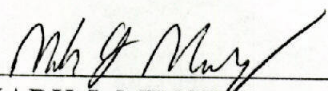
Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:

1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal **“must be filed within thirty (30) days from the date the initial decision is sent.”** Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the appeal **“identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order”**; or
2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review; or

3. A party may petition for a stay of effectiveness of this decision and order pursuant to Tenn. Code Ann. § 4-5-316 within seven (7) days of the entry of the order.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 17th day of September, 2007.



MARK J. MINSKY
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

c: John T. & Sharon L. Long
Ralph Barnwell, Assessor of Property